

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.10896 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

BHIKHABHAI SUNDARJIBHAI KESARIYA

Appearance:

1. Special Civil Application No. 10896 of 2002
MR ASHISH M DAGLI for Petitioner
MR KISHOR M PAUL for Respondent

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 25/10/2002

ORAL JUDGEMENT

1. Rule.

Mr.Kishor M.Paul, learned Advocate, appears and
waives service of Rule on behalf of the respondent.

2. The Gujarat State Road Transport Corporation has filed the present petition challenging the judgement and award dated 29th May, 2002 passed by the Labour Court, Rajkot, in Reference (LCR) No.148 of 1995.

3. The respondent-workman was chargesheeted for misconduct of having not issued tickets and not collected fare from a group of three persons, in defence of which, he stated that those three persons were wearing khakhi clothes and stated that they are from the staff.

4. The learned Judge of the Labour Court, after taking into consideration the rival contentions of both the sides, ordered reinstated to the respondent-workman with 25% back-wages.

5. Mr.A.M.Dagli, learned Advocate for the petitioner-Corporation, states that in a security report, which was carried out at the relevant time, it was noticed that the respondent-workman was having a provision store and a large residential accommodation in Rajkot. He submitted that in view of that the punishment, which is awarded to the respondent-workman of not granting 75% back-wages is just negligible and does not commensurate with the gravity of offence which was proved against him by the department.

6. Mr.Paul, learned Advocate appearing for the respondent-workman, submitted that the respondent-workman has put in by now 25 years service and he is having hardly a year's service to go.

7. Taking into consideration the submissions of both the learned Advocates, it is deemed fit that the judgement and award of the learned Judge of the Labour Court be modified to the effect that punishment of stoppage of three increments with future effect from the date of the order of dismissal passed by the competent authority be imposed and the award granting of 25% back-wages be also quashed and set aside. However, the award of reinstatement in service be allowed to stand. Order accordingly. The petitioner-Corporation is directed to comply with the award within four weeks from the date of receipt of copy of this order.

Rule is made absolute to the aforesaid extent only. No order as to costs.

(Ravi R. Tripathi, J.)
kamlesh*

